

FILED

SEP 26 2002

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NBC MANAGEMENT, INC.,

Defendant.

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Civil Action No.

AU2 CA 62038

COMPLAINT AND
JURY TRIAL DEMAND

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of national origin, Hispanic, and to provide appropriate relief to Felipe Aranda, Jr., and Alicia Aranda, who were adversely affected by such practices. The U.S. Equal Employment Opportunity Commission (the "Commission") alleges that the Defendant, NBC Management, Inc. ("NBC") subjected Felipe Aranda, Jr., and Alicia Aranda to disparate treatment when NBC failed to hire them because of their national origin, Hispanic.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Texas, Austin Division.

PARTIES

3. Plaintiff, the Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant NBC has continuously been a Texas corporation doing business in the State of Texas and the City of Austin, and has continuously had at least 15 employees.

5. At all relevant times, Defendant NBC has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Felipe Aranda, Jr., and Alicia Aranda filed charges with the Commission alleging violations of Title VII by Defendant NBC. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March 2001, Defendant NBC has engaged in unlawful employment practice(s) at its Austin, Texas, facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e- 2(a). These practices include subjecting Felipe Aranda, Jr., and Alicia Aranda, to disparate treatment by failing to hire them because of their national origin, Hispanic.

8. The effect of the practices complained of in paragraph seven above has been to deprive Felipe Aranda, Jr., and Alicia Aranda of equal employment opportunities and otherwise adversely affect their status as applicants because of their national origin, Hispanic.

9. The unlawful employment practices complained of in paragraph seven above were

intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Felipe Aranda, Jr., and Alicia Aranda.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant NBC, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in disparate treatment and any other employment practice which discriminates on the basis of national origin, Hispanic;

B. Order Defendant NBC to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanics, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant NBC to make whole Felipe Aranda, Jr., and Alicia Aranda, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to the rightful-place hiring of Felipe Aranda, Jr., and Alicia Aranda, or front pay in lieu thereof;

D. Order Defendant NBC to make whole Felipe Aranda, Jr., and Alicia Aranda, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including, but not limited to, job search expenses, in amounts to be determined at trial;

E. Order Defendant NBC to make whole Felipe Aranda, Jr., and Alicia Aranda, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to pain and suffering, humiliation, embarrassment, emotional distress, anxiety, inconvenience, and loss of enjoyment of life, in an amounts to be determined at trial;

F. Order Defendant NBC to pay Felipe Aranda, Jr., and Alicia Aranda punitive damages for its malicious and reckless conduct described in paragraph seven above, in amounts to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public interest; and

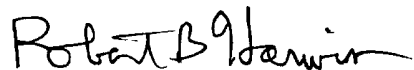
H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

GWENDOLYN YOUNG REAMS
Associate General Counsel



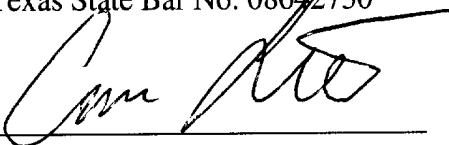
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